

2. Title

Emission Standards: Plan for Designated Facilities

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:

Subsection 19-2-104(3)(q) allows the Air Quality Board to implement the requirements of federal air pollution laws. Under Section 111(d) of the Clean Air Act (42 U.S.C. 7411(d)), EPA issues standards of performance for existing sources at the time standards are issued for new sources, and states are required to prepare plans and rules to implement the standards for existing sources. R307-220 incorporates by reference the Utah Plans written to meet this requirement.

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:

The rule has been amended twice since its last five-year review: FIRST AMENDMENT: DAR 25087, effective 10/3/2002. The only comment came from Wasatch Energy Systems in support of the proposed amendment. SECOND AMENDMENT: DAR No. 29229. One comment was received. COMMENT (The Intermountain Power Service Corporation): The commenter agrees with and supports the notion of incorporating Utah's Designated Facilities Plan by reference, and would recommend finalizing the rule after amending the Designated Facilities Plan to address some of its concerns with regard to the allocation methodology; Section IV paragraph 3(e)(ii)(A) in particular. STAFF RESPONSE: Staff agreed and made the changes throughout Section IV of the Designated Facilities Plan. No other comments were received about this rule since its last review.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:

R307-220 is required by 42 U.S.C. 7411(d) (Clean Air Act 111(d)).

6. key words: air pollution, landfills, environmental protection, incinerators**7. attach document.**

Agency head or designee, and title

Date

M. Amy H. 2-23-07